

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

IN RE SOLARWINDS CORPORATION  
SECURITIES LITIGATION      §      MASTER FILE NO. 1:21-CV-138-RP

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**DECLARATION OF MICHAEL J. BILES IN SUPPORT OF  
DEFENDANTS' MOTION TO DISMISS THE CONSOLIDATED COMPLAINT**

I, Michael J. Biles, Esq., declare as follows:

I am admitted to practice before this Court and I am a partner of the law firm of King & Spalding LLP, which represents Defendants SolarWinds Corp., Kevin B. Thompson, and Tim Brown in the above-captioned matter.

I submit this declaration in Support of Defendants' Motion to Dismiss the Consolidated Complaint. Attached to this declaration are the following documents:

1. *U.S. White House Press Briefing entitled "Background Press Call By Senior Administration Officials on Russia,"* issued April 15, 2021. The original version can be viewed at <https://www.whitehouse.gov/briefing-room/press-briefings/2021/04/15/background-press-call-by-senior-administration-officials-on-russia/>. A true and correct copy is attached as Exhibit 1.
2. Bloomberg Government transcript of the Senate Permanent Select Intelligence Committee hearing on the SolarWinds Hack, held on February 23, 2021. Complete video footage of the hearing can be viewed at <https://www.c-span.org/video/?509234-1/senate-intelligence-hearing-solarwinds-hacking>. A true and correct copy is attached as Exhibit 2.
3. Email from Gerardo Dada to Ian Trump, dated May 15, 2017. A true and correct copy is attached as Exhibit 3.
4. SolarWinds Corp. Form 10-Q, filed with the SEC on May 10, 2021. A true and correct copy is attached as Exhibit 4.

5. Printout of SolarWinds.com Company Home webpage, viewed and printed on July 10, 2021. The original version can be viewed at <https://www.solarwinds.com/company/home>. A true and correct copy is attached as Exhibit 5.
6. Printout of Gartner Information Technology Glossary definition of “Managed Service Provider,” viewed and printed on July 21, 2021. The original version can be viewed at <https://www.gartner.com/en/information-technology/glossary/msp-management-service-provider>. A true and correct copy is attached as Exhibit 6.
7. SolarWinds Corp. Form 424(b)(4) Prospectus, dated October 18, 2018, filed with the SEC on October 22, 2018. A true and correct copy of relevant excerpts is attached as Exhibit 7.
8. U.S. Government Publishing Office transcript of the Joint Hearing before the Committee on Oversight and Reform U.S. House of Representatives and the Committee on Homeland Security, held on February 26, 2021. Complete video footage of the hearing can be viewed at <https://www.c-span.org/video/?509349-2/house-hearing-solarwinds-hack>. A true and correct copy is attached as Exhibit 8.
9. SolarWinds press release entitled “SolarWinds Announces Rani Johnson as Chief Information Officer,” published April 25, 2017. The original version can be viewed at <https://www.globenewswire.com/en/news-release/2017/04/25/970817/0/en/SolarWinds-Announces-Rani-Johnson-as-Chief-Information-Officer.html>. A true and correct copy is attached as Exhibit 9.
10. Dell Technologies Blog article entitled “The Future of Data Security and Interview with Dell Fellow Tim Brown,” posted November 16, 2015. The original version can be viewed at <https://www.delltechnologies.com/en-us/blog/the-future-of-data-security-an-interview-with-dell-fellow-tim-brown/>. A true and correct copy is attached as Exhibit 10.
11. Printout of Orange Matter author webpage for Tim Brown, viewed and printed on July 10, 2021. The original version can be viewed at <https://orangematter.solarwinds.com/author/tim-brown/>. A true and correct copy is attached as Exhibit 11.
12. Printout of N-Able blog article entitled “Do Your Vendors Take Security Seriously?,” posted September 10, 2020. The original version can be viewed at <https://orangematter.solarwinds.com/author/tim-brown/>. A true and correct copy is attached as Exhibit 12.
13. SolarWinds Corp. Form 10-K, filed with the SEC on February 25, 2019. A true and correct copy of relevant excerpts is attached as Exhibit 13.
14. SolarWinds Corp. Form 10-K, filed with the SEC on February 24, 2020. A true and correct copy of relevant excerpts is attached as Exhibit 14.

15. SolarWinds Corp. Form 8-K, filed with the SEC on December 14, 2020. A true and correct copy is attached as Exhibit 15.
16. SolarWinds Corp. Form 8-K, filed with the SEC on May 7, 2021. A true and correct copy is attached as Exhibit 16.
17. Printout of GitHub product overview, viewed and printed on July 21, 2021. The original version can be viewed at <https://searchitoperations.techtarget.com/definition/GitHub?vgnnextfmt=print>. A true and correct copy is attached as Exhibit 17.
18. SolarWinds Corp. Form 10-K, filed with the SEC on March 1, 2021. A true and correct copy of relevant excerpts is attached as Exhibit 18.
19. Cybersecurity and Infrastructure Security Agency release entitled “Advanced Persistent Threat Compromise of Government Agencies, Critical Infrastructure and Private Sector Organizations,” published December 17, 2020. The original version can be viewed at <https://us-cert.cisa.gov/ncas/alerts/aa20-352a>. A true and correct copy is attached as Exhibit 19.
20. Bloomberg News article entitled “SolarWinds Adviser Warned of Lax Security Years Before Hack,” published December 21, 2020. A true and correct copy is attached as Exhibit 20.
21. Printout of SolarWinds.com Security Statement webpage, viewed and printed on May 21, 2021. The original version can be viewed at <https://www.solarwinds.com/security/security-statement>. A true and correct copy is attached as Exhibit 21.
22. National Institute of Standards and Technology paper entitled “Framework for Improving Critical Infrastructure Cybersecurity, Version 1.1,” published April 16, 2018. The original version can be viewed at <https://www.nist.gov/cyberframework/framework>. A true and correct copy is attached as Exhibit 22.
23. Printout of National Institute of Standards and Technology Questions and Answers webpage, viewed and printed on July 10, 2021. The original version can be viewed at <https://www.nist.gov/cyberframework/frequently-asked-questions/framework-basics#framework>. A true and correct copy is attached as Exhibit 23.
24. Ian Thornton-Trump Presentation entitled “Creating Security,” dated April 22, 2017. A true and correct copy is attached as Exhibit 24.
25. NPR article entitled “A ‘Worst Nightmare’ Cyberattack: The Untold Story of the SolarWinds Hack,” published on April 16, 2021. The original version can be viewed at <https://www.npr.org/2021/04/16/985439655/a-worst-nightmare-cyberattack-the-untold-story-of-the-solarwinds-hack>. A true and correct copy is attached as Exhibit 25.

26. Reuters article entitled “Hackers Used SolarWinds’ Dominance Against It In Sprawling Spy Campaign,” published on December 15, 2020. The original version can be viewed at <https://www.reuters.com/article/global-cyber-solarwinds/hackers-used-solarwinds-dominance-against-it-in-sprawling-spy-campaign-idUSKBN28Q07P>. A true and correct copy is attached as Exhibit 26.
27. SolarWinds Corp. Second Quarter 2020 Earnings Call Transcript for a call taking place on August 6, 2020. A true and correct copy is attached as Exhibit 27.
28. SolarWinds Corp. Third Quarter 2020 Earnings Call Transcript for a call taking place on October 27, 2020. A true and correct copy is attached as Exhibit 28.
29. SolarWinds Corp. SEC Form 4, filed on behalf of Kevin B. Thompson on October 27, 2020. A true and correct copy is attached as Exhibit 29.
30. SolarWinds Corp. SEC Form 4, filed on behalf of Kevin B. Thompson on November 18, 2020. A true and correct copy is attached as Exhibit 30.
31. SolarWinds Corp. SEC Form 4, filed on behalf of Kevin B. Thompson on December 17, 2020. A true and correct copy is attached as Exhibit 31.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 2, 2021.

*/s/ Michael J. Biles*  
Michael J. Biles

**CERTIFICATE OF SERVICE**

I certify that on August 2, 2021, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF Filing System on all parties in this case.

*/s/ Michael J. Biles*

Michael J. Biles